

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Expedited Service Benefit Issuance for the Food Stamp Program

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held June 13, 2007, as follows:

June 13, 2007
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on June 13, 2007.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
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CHAPTERS

Manual of Policies and Procedures Division 63 (Food Stamp Regulations), Chapter 63-300 (Application Process), Section 63-301 (Application Processing Time Standards)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the Food Stamp Program (FSP), under which each county distributes food stamp benefits to eligible households. The FSP is designed to promote the general welfare, and safeguard the health and well-being of the nation's population raising the levels of nutrition among low-income households. Therefore, it is necessary that the California Department of Social Services (CDSS) be in compliance with state and federal regulations to ensure the continued service to these households.

Currently, the state regulations at Manual of Policies and Procedures Section 63-301.546 specify that when an application for food stamp benefits is received after the 15th of the month and a household is determined to be entitled to Expedited Services and verification is postponed, the county welfare department (CWD) shall issue the second months benefits within five working days from receipt of the verification or the first day of the second calendar month, whichever is later.

State regulations are in conflict with federal regulations at 7 CFR 273.2(i)(4)(iii)(C) that specify "When a household is entitled to expedited services and applies after the 15th of the month and verification is postponed, the household must be given the first and second allotment on an expedited basis." Therefore, CDSS is not in compliance with current federal regulations and the regulation changes are necessary to adhere to state law.

Additionally, it will be necessary to add language in the form of a handbook example to instruct the CWD how to proceed when the verification is received within the allotted timeframe.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws the regulations.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws the regulations.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.

LOCAL MANDATE STATEMENT

These regulations impose a mandate upon county welfare departments. However, there are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 of the Government Code because the costs are mandated by the federal government.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10554, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code. Subject regulations implement and make specific 7 CFR 273.2(i)(4)(iii)(C) and (D).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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